

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THE PROCTER & GAMBLE COMPANY,	)	
	)	
Plaintiff,	)	
v.	)	C.A. No. 04-940 (JJF)
	)	
TEVA PHARMACEUTICALS USA, INC.	)	
	)	
Defendant.	)	
_____	)	

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between plaintiff, The Procter & Gamble Co. ("P&G") and defendant, Teva Pharmaceuticals USA, Inc.:

1. Pursuant to a stipulation submitted by the parties on January 27, 2006 and approved by the Court on February 2, 2006, Teva previously stipulated that the commercial marketing of Teva's proposed 5 mg, 30 mg, and 35 mg risedronate sodium tablets, in accordance with ANDA No. 77-132, would infringe claims 4, 11, 12, 14, 16 and 23 of U.S. Patent No. 5,583,122 (the "'122 patent") if those claims are valid. Given the stipulations below, Teva's stipulation of infringement of claims 11, 12, and 14 is hereby withdrawn.

2. For purposes of the above captioned litigation only, P&G agrees that it intends to pursue judgment with respect to claims 4, 16, and 23 of the '122 patent only.

3. P&G has informed Teva that, for purposes of the above captioned litigation only, it will not pursue at trial the argument that claims 4, 16, and 23 of the '122 patent are described in the '543 application.

4. This stipulation is not evidence of the invalidity of any claim in the '122 patent or any other patent belonging to P&G.

RICHARDS LAYTON & FINGER, P.A.

*/s/ Frederick L. Cottrell*

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*Attorneys for Teva Pharmaceuticals  
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SO ORDERED this \_\_\_\_ day of November, 2006.

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UNITED STATES DISTRICT JUDGE